

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES CAPUTO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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Case Number 19-12424

Honorable David M. Lawson

Magistrate Judge David R. Grand

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**AND DISMISSING COMPLAINT WITHOUT PREJUDICE**

Presently before the Court is the report issued on November 6, 2019 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss the complaint without prejudice for failure to prosecute, after the plaintiff's application for leave to proceed *in forma pauperis* was denied, and the plaintiff failed to pay the required filing fee. Although the magistrate judge's report stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 7) is **ADOPTED**, and the complaint is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Date: December 10, 2019

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on December 10, 2019.

s/Susan K. Pinkowski  
SUSAN K. PINKOWSKI